

CIVIL PENALTY

A civil penalty of up to \$1,000 per day can be assessed against a dam owner if he or she fails to have the necessary construction or operation permit or meet the conditions of any DNRC order.

COMPLAINTS -- UNSAFE DAM OR RESERVOIR

A complaint concerning construction, operation, or maintenance of any dam, regardless of the capacity of the reservoir, that may endanger life or property may be submitted in an affidavit to DNRC. DNRC may then inspect or order an inspection of the dam unless the data, records, and inspection reports are adequate to determine that the complaint has no merit.

If the dam is found to be defective, DNRC may require the owner to pay all or part of the inspection expenses.

If the inspection discloses defects in the dam that, in the judgment of DNRC, constitute an immediate hazard to life or property, DNRC may order draining the reservoir, or limiting or ceasing its use.

DNRC may also take other steps to make the dam safe.

LAWS, RULES, AND FORMS

For copies of the Montana Dam Safety Act, the administrative rules, or the required forms, you may write to DNRC at 1520 East Sixth Avenue, P.O. Box 202301, Helena, MT 59620-2301.

OTHER INFORMATION

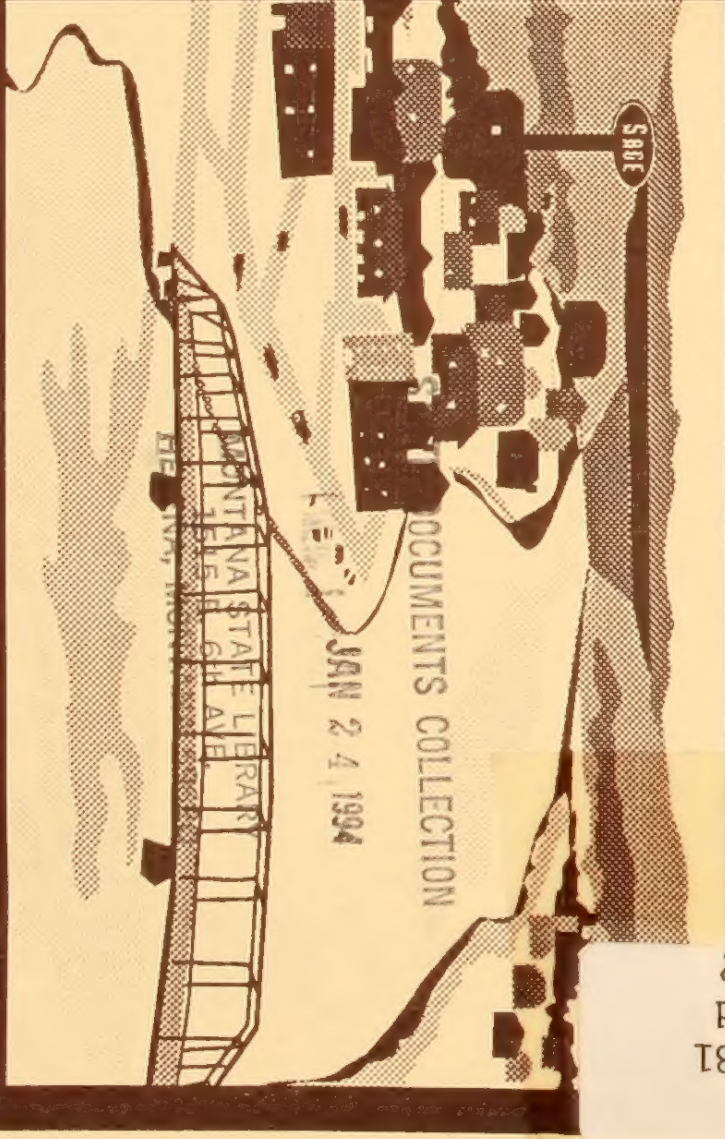
Numerous publications are available concerning inspection guidelines, emergency and early warning plans, and other matters that may be of interest or assistance to owners of dams. Contact DNRC for more information.

MONTANA DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
1520 EAST SIXTH AVENUE
P.O. BOX 202301
HELENA, MONTANA 59620-2301



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IS YOUR DAM ABOVE HOMES, HIGHWAYS, OR OTHER STRUCTURES?

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If you own a dam, you need to know whether that dam

presents a potential hazard to your community or the downstream residents. A *high hazard dam* is any dam that impounds 50 acre-feet of water or more and could cause loss of life downstream if it fails. *High hazard* is not a classification of the dam's condition, but rather the potential for the

loss of life downstream if the dam fails.

Montana has a number of high hazard dams. Over 1,400 dams in this state are larger than 50 acre-feet in capacity. Of these dams, 150 are identified as high hazard – that is, if any of these dams fails, a loss of life could occur downstream.

MONTANA'S DAM SAFETY LAW

Because dam safety is important to both life and property, Montana became, in 1985, one of 48 states that have adopted regulations for the construction, operation, and maintenance of high hazard dams. The Montana Dam Safety Act provides for a permitting process to ensure that construction work on new and existing high hazard dams is designed and performed in a safe manner.

If your dam is a high hazard dam, you need a dam safety permit. It's a benefit to you to have a permit, because, according to the Montana Dam Safety Act, the owner of a permitted high hazard facility is not – in the absence of negligence – liable for damages from flows of water resulting from failure of that facility.

Exempt from the Montana Dam Safety Act are dams that are owned by the federal government, inspected by the Federal Energy Regulatory Commission, included in the mine operating permit issued by the Montana Department of State Lands, associated with facilities certified under the Montana Major Facility Siting Act, or located on federal lands. These exempt dams already are required to meet safety standards established by each jurisdiction.

HAZARD CLASSIFICATION

To build a new dam or alter an existing dam, either of which has an *impoundment capacity* of 50 acre-feet or more, you must apply to the Department of Natural Resources and Conservation (DNRC) for a hazard classification. The *impoundment capacity* is measured to the maximum normal operating pool which is usually the crest of the spillway.

The determination of hazard involves an evaluation of the area downstream from the dam that would be flooded if the dam fails. If the flood would be likely to cause a loss of life, the dam is classified as a high hazard structure. The hazard classification is based on the potential loss of life downstream; *it is not an assessment of the safety of the structure.*

You should write to or call any DNRC office and request an application form. DNRC will make a hazard classification within 60 days after a complete application is received.

CONSTRUCTION PERMIT

If it is determined that the dam has a high hazard potential downstream, a construction permit is necessary before construction. *Construction* includes construction of a new high hazard dam or major repair, alteration, enlargement, or removal of an existing high hazard dam. An application for a construction permit includes an application form, construction plans and specifications, and an engineering design report. The plans and specifications must be prepared by an engineer experienced in dam design and construction. Within 60 days of receiving a completed application, DNRC will issue or deny a construction permit.

A construction permit is not required for performing minor and routine repairs or maintenance or emergency repairs on a high hazard facility.



Photo courtesy of Phillips County News

OPERATION PERMIT

Prior to operation of a new high hazard dam, you, as the owner, need to prepare an operation plan and have it approved by DNRC. The operation plan consists of the reservoir operation procedure, a maintenance procedure for the dam and appurtenant works, and adherence to the plans will aid in the safe operation and maintenance of the high hazard dam. A more detailed description of an operation plan can be found in the administrative rules for dam safety. A sample operation plan is available from DNRC.

A periodic inspection of the high hazard dam is then necessary to renew the operation permit. The minimum frequency for inspection is stated in the operation permit and is at least once in five years. The inspection must be arranged by the dam owner and conducted by a licensed professional engineer.

DNRC will renew the operation permit if it determines, after reviewing the engineer's inspection report and other information, that the dam can be operated and maintained safely.

If you have an existing dam that has been or would be classified as a high hazard dam, then you must obtain an operation permit from DNRC. For a high hazard dam inspected by the U.S. Army Corps of Engineers between 1978 and 1981, you have until July 1, 1995, to obtain an operation permit.

EMERGENCY

During a life-threatening emergency caused by the condition of a dam, or by present or imminent floods that threaten the structural integrity of any dam, you may proceed with the necessary repairs or breaching *without* the previously described construction permit. **DNRC must be notified immediately of any proposed emergency repairs or breaching.** If the owner fails to act, DNRC may take any action necessary to safeguard life and property. Costs incurred by DNRC action during an emergency must be paid by the owner of the dam.

If failure of the dam cannot be averted, call your local sheriff to start evacuation of downstream residents.

